

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

**RowVaughn Wells, Individually and as  
Administratrix Ad Litem of the Estate of  
Tyre Deandre Nichols, deceased.**

**Plaintiff,**

**v.**

**Case No.: 2:23-cv-2224  
JURY DEMANDED**

**The City of Memphis, a municipality;  
Chief Cerelyn Davis, in her official capacity;  
Emmitt Martin III, in his individual capacity;  
Demetrius Haley, in his individual capacity;  
Justin Smith, in his individual capacity;  
Desmond Mills, Jr., in his individual capacity;  
Tadarrius Bean, in his individual capacity;  
Preston Hemphill, in his individual capacity  
Robert Long, in his individual capacity;  
JaMichael Sandridge, in his individual capacity;  
Michelle Whitaker, in her individual capacity;  
DeWayne Smith, in his individual capacity and  
as an agent of the City of Memphis,**

**Defendants.**

---

**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

---

**COMES NOW**, Andrew M. Horvath (“Attorney Horvath”), pursuant to Local Rule 83.5, and files this Motion seeking leave to withdraw as counsel of record for Defendant, Michelle Whitaker (“Defendant Whitaker”). For cause, Attorney Horvath would state and show unto the Court that he is departing from his employment with Spence Partners. Attorneys Robert L.J. Spence, Jr. and Jarrett M.D. Spence with the Spence Partners law firm shall otherwise remain counsel of record for Defendant Whitaker. As such, Attorney Horvath seeks leave of Court

permitting his withdrawal as counsel of record for Defendant Whitaker, being relieved of any further duties in this cause.

Respectfully submitted,

By: /s/ Andrew M. Horvath  
Andrew M. Horvath (BPR #33862)  
Cotton Exchange Building  
65 Union Avenue, Suite 900  
Memphis, Tennessee 38103  
Telephone: 901.312.9160  
Facsimile: 901.521.9550  
[ahorvath@spencepartnerslaw.com](mailto:ahorvath@spencepartnerslaw.com)

#### **CERTIFICATE OF CONSULTATION**

Undersigned counsel hereby certifies that, on or about November 14, 2023, he communicated with Counsel for Plaintiff and co-Defendants regarding the relief sought herein. Counsel for Plaintiff and co-Defendants advised that there is **no objection** to the relief sought in this Motion.

/s/ Andrew M. Horvath

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on all counsel of record via the Court Clerk's ECF filing system.

This 14<sup>th</sup> day of November, 2023.

/s/ Andrew M. Horvath